

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA
v.

Case No. 21-CR-00123-MSM-LDA

SAMUEL MAIGRET,
Defendant.

**SUPPLEMENTAL INFORMATION FOR SENTENCING
REGARDING BUREAU OF PRISONS SEX OFFENDER TREATMENT PROGRAMS**

At the last hearing in this matter, the Court inquired as to Sex Offender Treatment Programs (SOTPs) at the Bureau of Prisons (BOP). After the hearing, undersigned counsel and another AUSA communicated with legal counsel for BOP to ask BOP to provide a training for the Court, the Office of Federal Public Defender (FPD), the US Attorney's Office, and other interested parties, on matters relating to inmates who are defined as sex offenders under BOP regulations, including designation for inmates who were sex offenders, facility designation for inmates who are sex offenders, SOTP, and other related matters. Although a training was scheduled, that training unfortunately had to be rescheduled, to a date in the future after a new Director is appointed to the BOP, whose approval is required before any such training programs are provided by BOP legal counsel. The Government is continuing to communicate with BOP to make this training available at the earliest possible opportunity.

Although the BOP training, with representatives from BOP, will likely be the best means to educate all interested parties, the Government has attempted to summarize

some of the issues discussed at the prior hearing, and information obtained from BOP, in this filing.

BOP Sex Offender Management Program

The BOP's Sex Offender Management Program ("SOMP") originated at Federal Medical Center (FMC) Devens, and SOMP's are now provided at 10 BOP institutions, with varying security level designations. BOP conducts an annual review to determine the need for additional BOP SOMP facilities. According to BOP counsel, as of September 2024, BOP had approximately 158,483 federal inmates, 24,572 of whom were sex offenders.

Procedures and guidelines for the SOMP are set forth in BOP Program Statement 5324.10, *Sex Offender Programs* (Program Statement), attached as Exhibit 1, which is summarized herein. Very briefly summarized, the SOMP is designed to effectively manage the BOP's population of sex offenders and to provide services that reduce their¹ risk of recidivism. For SOMP purposes, the BOP defines "sex offenders" as inmates with a current or prior sexual offense conviction, or a conviction for an offense that involved a sexual element. The SOMP consists of two main components: population management and risk management. With respect to population management, one goal is to reduce the need to place sexual offenders into protective custody at general institutions by maintaining a significant proportion of sexual offenders in the population at SOMP

¹ For reader ease, this Memorandum is written using he/him/his pronouns, but the procedures apply to both male and female sex offenders.

facilities. This also accomplishes another goal by creating a climate conducive to voluntary participation in treatment. Simultaneously, the risk management component of the SOMP is accomplished through evaluation, treatment (i.e. the BOP's Residential Sex Offender Treatment Program ("SOTP-R") and Non-Residential Sex Offender Treatment Program ("SOTP-NR")), and specialized correctional management.² BOP describes the SOTP-NR or SOTP-R Programs as follows:

Residential Sex Offender Treatment Program (SOTP-R):

Residential treatment involves high intensity programming for a period of 12 to 18 months. The Bureau provides this program at USP Marion in Illinois and at FMC Devens in Massachusetts. Participants benefit from a therapeutic community on a residential housing unit where they work to reduce their risk of future offending. Offenders receive treatment five days per week. This treatment targets offenders with an elevated risk of reoffending.

Non-Residential Sex Offender Treatment Program (SOTP-NR)

Non-Residential treatment consists of outpatient groups meeting 2-3 times per week for several hours. Program completion takes 9-12 months. The Bureau offers this moderate intensity program at several institutions, listed below. Participants learn basic skills and concepts to help them understand

² Regardless of an inmate's interest in SOTPs, one SOMP risk management tool is a Correctional Management Plan (CMP). In accordance with BOP Program Statement 5324.01, Sex Offender Programs, and other BOP policies, the Warden (or his/her specific designee) can impose restrictions on mail and telephone communication, visiting privileges, and personal property of sexual offenders, as these areas affect the secure and orderly operations of the institution and the safety of staff, inmates, and the general public. Consequently, a sexual offender may be placed on an individualized Correctional Management Plan ("CMP") if there is evidence s/he engaged in risk-relevant behavior. "Risk-relevant behavior" is behavior related to a sexual offender's history that indicates risk of further sexual offending upon release (e.g. an inmate convicted of child pornography who collects pictures of children). The CMP is developed by a SOMP psychologist, and it describes the modifications and/or restrictions specific to that offender.

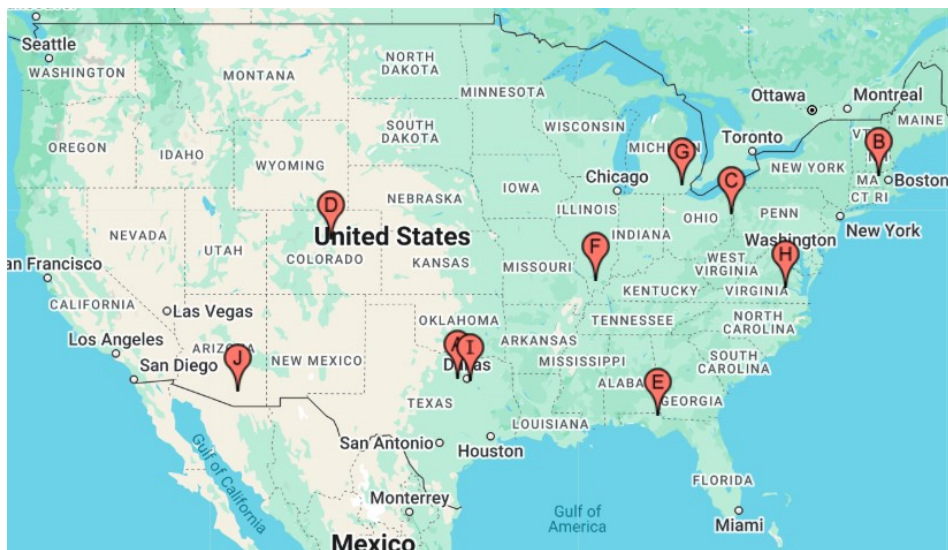
their past offenses and to reduce risk of future offending. This treatment is offered to offenders evaluated to have low to moderate risk of reoffending.

https://www.bop.gov/inmates/custody_and_care/sex_offenders.jsp. See also Exhibit

1, pp. 21-26. All of the BOP SOMP facilities offer the SOTP-NR, and certain designated facilities, currently 2 facilities, offer the SOTP-R.

Currently, the SOTP-R is offered at 2 SOMP facilities (medium and low level security designations) and the SOTP-NR is offered at 9 SOMP facilities, with various security level designations for the facility (high, medium, and low security), as shown below:

- (A) FMC Carswell, Fort Worth, TX (female offenders);
- (B) FMC Devens, Ayer, MA;
- (C) Federal Correctional Institution (FCI) Elkton, Lisbon, OH;
- (D) FCI Englewood, Littleton, CO;
- (E) FCI Marianna, Marianna, FL;
- (F) FCI Marion, Marion, IL;
- (G) FCI Milan, Milan, MI;
- (H) FCI Petersburg, Hopewell, VA;
- (I) FCI Seagoville, Seagoville, TX;
- (J) USP Tucson, Tucson, AZ



Some inmates with a sex offense history may be designated by BOP to a SOMP facility immediately after sentencing; other inmates are initially designated to a non-SOMP, and will be transferred to a SOMP facility during the term of their sentence. *See Exhibit 1*, Program Statement, pp. 4-5. However, BOP Psychology Services ensures that all inmates with sexual offense histories receive information about SOTPs. Inmates may also self-refer for SOTP. *See Exhibit 1*, Program Statement, pp. 16. According to the BOP Program Statement, “[t]o ensure that the maximum number of inmates have the opportunity to benefit from sex offender treatment programs, inmates are prioritized for placement based on their Projected Release Date (PRD).” *Exhibit 1*, Program Statement, p. 16. For those inmates who are eligible for SOTP and were not designated to a SOMP facility at the outset, the BOP Program Statement provides that resignations to SOMP facility “should be initiated when an inmate has 36 months to projected release. Because they may be expected to participate in sex offender treatment for a longer duration, high-security inmates should be referred for redesignation at 48 months from release.” *Exhibit 1*, Program Statement, p. 17.

If an inmate designated to a non-SOMP facility seeks to participate in SOTP, he will be evaluated for eligibility, the criteria of which includes:

- Meeting the definition of a sex offender;
- Sufficient time remaining on his sentence to complete the SOTP, including time to transfer to the SOTP facility and for any placement in a community-based program.
 - According to BOP, to complete the SOTP-NR, an inmate should have at least 21 months remaining until his projected release date and to complete

the SOTP-R, an inmate should have at least 27 months until his projected release date.

- A specified number of incident reports;
- The ability to fully understand and engage in the treatment, which includes
 - The ability to speak English;
 - Literacy;
 - That the inmate does not suffer from a major mental disorder that would prevent his full participation;
 - That the inmate demonstrates sufficient intellectual ability to participate; and;
- That the inmate sign an agreement to participate in a SOTP.

If an inmate who is sex offender is found not eligible for SOTP, he will still be offered and able to participate in other BOP programs, including the Skills Program³ and the Residential Drug Treatment Program (RDAP).

Per BOP procedures, evaluation is the first SOMP risk management tool. Within 30-days of arrival at SOMP facility, a SOMP Psychologist or Treatment Specialist performs an intake screening on every sex offender (as defined by Program Statement

³ The Skills Program is a unit-based residential treatment program designed to improve the institutional adjustment of Adults in Custody (AICs) who have intellectual and social impairments. AICs with lower IQs, neurological deficits from acquired brain damage, fetal alcohol syndrome, autism spectrum disorder, and/or remarkable social skills deficits often become victimized and/or manipulated by more sophisticated AICs.

As a result, they may be placed in the Special Housing Unit (SHU) for their protection or may have frequent misconduct reports because of their limited decision making skills. AICs who have a demonstrated need for the Skills program and who are appropriate for housing in a medium or low security facility will be considered for this program.

The Skills Program employs a multi-disciplinary treatment approach aimed at teaching participants basic educational and social skills over a 12-month period. The goal of the program is to increase the academic achievement and adaptive behavior of this group of AICs, thereby improving their institutional adjustment and likelihood for successful community reentry.

5324.10) to determine which program level, SOTP-R or SOTP-NR is appropriate.

Typically, the SOTP-R is reserved for inmates with more extensive sexual offense histories. The intake screening includes an interview which covers:

- 1) an explanation of the SOMP and distribution of the SOMP Handbook;
- 2) a review of the inmate's offense history to determine whether the inmate appears to pose a significant risk for sexual recidivism warranting a more comprehensive assessment or specialized correctional management services;
- 3) a screening to determine the inmate's treatment needs;
- 4) an explanation of available treatment programs and encouragement of voluntary participation;
- 5) an assessment of the inmate's interest in voluntary participation in treatment; and
- 6) an explanation of risk-relevant behaviors that may warrant a Correctional Management Plan.

If the inmate expresses interest in treatment programs or appears to need closer monitoring, then the SOMP team engages in further risk assessment. Specifically, the SOMP team then formulates an Initial Risk Assessment based on actuarial measures and clinically relevant factors. The Initial Risk Assessment is a provisional determination of risk to guide treatment and management decisions. Thereafter, an inmate will be placed on a waiting list for the SOTP-R or SOTP-NR, as is determined to be appropriate. Some inmates, such as those who are regarded as high-risk sex offenders, may be placed first in a SOTP-NR, while preparing for SOTP-R.

BOP Staff at the SOMP may also offer inmates services, Adjunctive Non-residential Treatment Programming, to prepare inmates either for participation in

SOTP, or for community based treatment programs upon release. Exhibit 1, Program Statement, pp. 22-23. BOP SOMP facilities may also offer follow-up programming to SOTP-R and SOTP-NR prior to an inmate's release, that may include individual counseling or psychotherapy, process groups, and aftercare groups. *See* Exhibit 1, Program Statement, p. 25.

Respectfully submitted,

SARA MIRON BLOOM
Acting United States Attorney

A handwritten signature in blue ink that reads "Denise M. Barton".

DENISE MARIE BARTON
Assistant U.S. Attorney
One Financial Center Plaza, 17th Floor
Providence, RI 02903
Email: denise.barton@usdoj.gov
Tel: 401-709-5000
Fax: 401-709-5001

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, the within "SUPPLEMENTAL INFORMATION FOR SENTENCING REGARDING BUREAU OF PRISONS SEX OFFENDER TREATMENT PROGRAMS" was filed electronically and is available for viewing and downloading from the ECF system.



Denise Marie Barton
Assistant U.S. Attorney